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15 FEB 2006

In re Application of
HEIDE et al.
Application No.: 10/531,983
PCT No.: PCT/EP03/12188
Int. Filing Date: 31 October 2003
Priority Date: 08 November 2002
Attorney Docket No.: 4001-1200
For: MULTISTATIC METHOD AND
DEVICE FOR RADAR MEASURING A
A CLOSE DISTANCE

DECISION ON

RESPONSE

This decision is in response to "Response to Notification of Missing Requirements" filed in the United States Patent and Trademark Office on 22 November 2005.

BACKGROUND

On 20 April 2005, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 22 September 2005, the Office mailed Notification of Missing Requirements indicating that the declaration filed on 20 April 2005 did not comply with 37 CFR 1.497(a) and (b), in that the title of the invention on the declaration had not been translated. On 22 November 2005, applicants filed the instant response.

DISCUSSION

A review of the declaration submitted on 20 April 2005 reveals that the title of the invention is in the German language and is not translated into the English language. As stated in 37 CFR 1.69(b), unless the text of any oath or declaration in a language other than English is in the form provided by the Patent and Trademark Office..., it must be accompanied by an English translation together with a statement that the translation is accurate. See also MPEP 602.06. An English translation of the title is required.

A further review of the declaration reveals that declaration contained duplicate page 3

signature pages. Each page is signed by different inventors and combined into one declaration. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or the inventors were presented with an incomplete declaration. Section 201.03 of the MPEP states, in pertinent part, "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." What is required is one declaration where all inventors have signed or separate complete declarations. Thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met and the declaration is unacceptable as filed.

CONCLUSION

The declaration of inventors submitted on 20 April 2005 cannot be accepted as a proper response to the Notification of Missing Requirements at this time.

The declaration submitted on 20 April 2005 is unacceptable as filed. What is required is one declaration where all inventors have signed or two separate complete declarations in compliance with 37 CFR 1.497. Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within **ONE (1) MONTH** from the mail date of this Decision or the time remaining under the 22 September 2005 Notification of Missing Requirements.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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